e.   **Remarks**

NOVELTY REJECTIONS

At page 4, the Office Action rejects claims 1 - 4, 24, 26, and 28 as being anticipated by "Wireless Simulation and Self-Organizing Spectrum Management" by Borst et al, Bell Labs Technical Journal, vol. 2, no. 3 (1997) pages 81 – 98 (Herein, the "Borst article").

Independent Claim 1

At page 3, 2nd par., the Office Action cites the Borst article, page 82, right col.; page 83, right col.; and page 84, right col., as teaching the sending step of pending claim 1.

The cited parts of the Borst article do not teach "sending the lists of produced channel rankings to associated base stations" wherein a simulation produced the lists of channel rankings as in claim 1. As evidence of the absence of such teachings, Applicants refer to the attached Declaration by Simon C. Borst (Herein, the "Declaration".).

Simon C. Borst is a co-author on the Borst article and has specialized expertise in the area of wireless communication systems. At par. 7 of the Declaration, Simon C. Borst specifically states:

> Based on my review of the Borst article and my special scientific training and experience, I find that page 82, right col.; page 83, right col.; page 84, right col.; and page 90 of the Borst article do not disclose or suggest sending lists of channel rankings to physical base stations of a wireless system, wherein the lists are produced by a simulation of the system.

Thus, the Declaration refutes that the cited portions of the Borst article teach a "sending step" as recited in pending claim 1. In addition, at par. 8 of the Declaration, Borst states:

> Based on my review of the Borst article and my special scientific training and experience, I find that the Borst article, as a whole, does not disclose or suggest sending lists of channel rankings to physical base stations of a wireless system, wherein the lists were produced by a simulation of the system. Rather than teaching the sending of such lists to physical base stations, the Borst article discloses using a dynamical simulation to predict and/or evaluate the global performance of a channel allocation algorithm in a wireless system.

Thus, the Declaration refutes that the Borst article teaches the "sending step" of pending claim 1. Thus, the anticipation rejection of claim 1 should be withdrawn.

The above-cited portion of the Declaration also evidences that a step of sending lists of channel rankings to associated base stations wherein a simulation produced the lists of channel rankings is not inherent in the Borst article. In addition, the Office Action

does not provide evidence that such a step of sending is inherent in the Borst article. Thus, any rejection of pending claim 1 based on inherency should be withdrawn.

<u>Dependent Claims 2 – 4</u>

Claims 2 – 4 are novel, at least, by their dependence on novel claim 1.

<u>Independent Claim 24</u>

At page 3, 2nd par., the Office Action cites the Borst article as teaching "the link element" of pending claim 24. In particular, pending claim 24 recites a "link supporting … transmissions of the produced lists of channel rankings to the base stations" wherein a processor is configured to perform a simulation that produces the lists.

The Borst article does not teach a "link supporting transmissions of the produced lists to the base stations" as in pending claim 24. As evidence of the absence of such a teaching, Applicants refer the Declaration where Simon C. Borst states at par. 8 that:

> Based on my review of the Borst article and my special scientific training and experience, I find that the Borst article, as a whole, does not disclose or suggest sending lists of channel rankings to physical base stations of a wireless system, wherein the lists were produced by a simulation of the system. Rather than teaching the sending of such lists to physical base stations, the Borst article discloses using a dynamical simulation to predict and/or evaluate the global performance of a channel allocation algorithm in a wireless system.

Thus, Simon C. Borst who is a co-author of the Borst article and has specialized expertise in wireless communications systems states that the Borst article does not teach sending lists of channel ratings to base stations, wherein the lists were produced by a simulation. Without such a teaching, the Borst article could not teach a link supporting transmissions of such lists to base stations as in pending claim 24. Thus, the Declaration refutes that the Borst article teaches the "link element" of pending claim 24.

The above-cited portion of the Declaration also evidences that a link supporting transmissions of such produced lists of channel ratings to base stations is not inherent in the Borst article. In addition, the Office Action does not provide evidence that such a link feature is inherent in the Borst article. Thus, any rejection of pending claim 24 based on inherency should be withdrawn.

For the above reasons, the anticipation rejection of claim 24 should be withdrawn.

<u>Dependent Claims 26 and 28</u>

Claims 26 and 28 are novel, at least, by their dependence on novel claim 24.

OBVIOUSNESS REJECTIONS

At page 7, the Office Action rejects claim 5 – 13 as obvious over the Borst article combined with US Patent 6,496,698.

Dependent claims 5 - 13 are non-obvious, at least, due to their dependence on non-obvious claim 1.

At page 14, the Office Action rejects claim 14 as obvious over the Borst article and Jensen combined with EP Patent Application Publication 0817521.

Claim 14 is non-obvious, at least, by its dependence on non-obvious claim 1.

At page 15, the Office Action rejects claim 27 as obvious over Borst combined with US Patent 5,926,763.

Claim 27 is non-obvious, at least, by its dependence on non-obvious claim 24.

CONCLUSION

For the above reasons, Applicants request allowance of claims 1 – 14, 24, and 26 – 28 as currently pending.

No fee is believed necessary. In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** to correct the error.

Respectfully,

John F. McCabe, Reg. No. 42,854
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Date: June 7, 2005

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c. **Amendments to Drawings**

None